

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

MONIQUE TAPLIN, §
§
Plaintiff, §
§
vs. § CIVIL ACTION NO. 4:22-cv-00614
§
DARLENE ROSS AND KLLM § JURY TRIAL DEMANDED
TRANSPORT SERVICES, LLC, §
§
Defendants. §

DEFENDANT KLLM TRANSPORT SERVICES, LLC'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441, Defendant KLLM Transport Services, LLC (“Defendant” herein) hereby removes to this Court, the state court action described in Paragraph 1 below. Pursuant to 28 U.S.C. § 1446(a), Defendant sets forth the following “short and plain statement of the grounds for removal.”

A. THE REMOVED CASE

1. The removed case is a civil action filed with the 141st District Court of Tarrant County, Texas on June 10, 2022, styled *Monique Taplin v. Darlene Ross and KLLM Transport Services, LLC*; Cause No. 141-334028-22.

B. DOCUMENTS FROM REMOVED ACTION

2. Pursuant to Local Rule 81.1, Defendant attaches the following documents to this Notice of Removal:

- (a) an index of all documents that clearly identifies each document and indicates the date the document was filed in state court;
- (b) a copy of the docket sheet in the state court action; and
- (c) a copy of each document filed in the state court action, with each document filed as a separate attachment.

Additionally, Defendant is simultaneously filing a separately signed Certificate of Interested Persons that complies with Local Rule 3.1(c).

C. REMOVAL IS TIMELY

3. Plaintiff Monique Taplin ("Plaintiff") filed the present civil suit against Defendant in the 141st District Court of Tarrant County, Texas (the "Tarrant County court") on June 10, 2022. Defendants KLLM Transport Services, LLC and Darlene Ross were served with Plaintiff's Original Petition ("the Petition") on June 27, 2022 and June 29, 2022 respectively. In the Petition, Plaintiff asserts negligence-based and *Respondeat Superior* causes of action and claims for personal injury damages against Defendants.

4. Defendant files this Notice of Removal based on diversity of citizenship within one year of the commencement of the action and within 30 days of service, indicating that the present lawsuit was filed in the Tarrant District Court, and subsequently became removable to the United States District Court for the Northern District of Texas. Therefore, Defendant contends that this removal is timely made.¹

D. VENUE IS PROPER

5. The United States District Court for the Northern District of Texas, Fort Worth Division, is the proper venue for removal of the state court action pursuant to 28 U.S.C. § 1441(a) because the 141st District Court of Tarrant County, Texas is located within the jurisdiction of the United States District Court for the Northern District of Texas, Tarrant Division.

¹ See 28 U.S.C. § 1446(c)(1).

E. DIVERSITY OF CITIZENSHIP EXISTS

6. This is a civil action that falls under the Court's original jurisdiction pursuant to 28 U.S.C. § 1332 and is one that may be removed to this Court based on diversity of citizenship in accordance with 28 U.S.C. §§ 1441 and 1446.

7. As admitted in the Petition, as of June 10, 2022, Plaintiff resided in Texas.² "In determining diversity jurisdiction, the state where someone establishes his domicile serves as a dual function as his state of citizenship."³ Therefore, Defendant contends that Plaintiff was domiciled in, and was a citizen of Irving, Dallas County, Texas at the time Plaintiff's Petition was filed in the Tarrant County District Court.

8. Defendant KLLM Transport Services, LLC ("KLLM") is a Limited Liability Company, and thus the citizenship of an LLC is determined by the citizenship of all of its members. *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080, (5th Cir. 2008). Defendant KLLM's members are all domiciled in the state of Mississippi, specifically.

- KLLM Transport Services, LLC has a single member, which is Investment Transportation Services, LLC
- Investment Transportation Services, LLC has a single member, which is Duff Capital Investors, LLC
- Duff Capital Investors is wholly owned by two members, the (1) Thomas Milton Duff Amended and Restated Trust, a revocable grantor trust and (2) James Ernest Duff Amended and Restated Trust, a revocable grantor trust.

² See, Plaintiff's Petition at p. 2, Sec. III.

³ See, *Preston v. Tenet Healthsystem Mem'l Med. Ctr., Inc.*, 485 F.3d 793, 797 (5th Cir. 2007).

- The trustee of the Thomas Milton Duff Amended and Restated Trust is Thomas Milton Duff, who resides at 73 Tidewater Road, Hattiesburg, MS 39402.
- The trustee of the James Earnest Duff Amended and Restated Trust is James Earnest Duff, who resides at 183 West Canebrake Blvd., Hattiesburg, MS 39402.

Pursuant to 28 U.S.C. § 1332(c)(1), Defendant KLLM is not a citizen of the State of Texas.

Rather, Defendant KLLM is a citizen of Mississippi. Additionally, the principal place of business for Defendant is 135 Riverview Drive, Richland, Mississippi 39218. Defendant has attached an affidavit from Defendant's CFO in support of the facts outlined above. (Attached hereto as **Exhibit "1"**.) Based upon information and belief, Defendant Darlene Ross is a citizen of New Orleans, Orleans Parish, Louisiana.

9. Because both Defendants are citizens of different states than Plaintiff, complete diversity of citizenship exists pursuant to 28 U.S.C. § 1332.

F. THE AMOUNT IN CONTROVERSY REQUIREMENT IS SATISFIED

10. In her Petition, Plaintiff states that she seeks monetary relief of over \$250,000.00 but not more than \$1,000,000.00. As such, Plaintiff seeks to recover damages in excess of \$75,000.

11. Based on the aforementioned facts, the current state court action may be removed to the United States District Court for the Northern District of Texas, Tarrant Division, by Defendant in accordance with the provisions of 28 U.S.C. § 1441(a) because: (i) this action is a civil action pending within the jurisdiction of the United States District Court for the Northern District of Texas; (ii) this action is between citizens of different states; and (iii) the amount in controversy will exceed \$75,000, exclusive of interest and costs.

G. FILING OF REMOVAL PAPERS

12. Pursuant to 28 U.S.C. § 1446(d), Defendant is providing written notice of the filing of this Notice of Removal to all counsel of record and is filing a copy of this Notice with the Clerk of the 141st District Court of Tarrant County, Texas, where this action was originally commenced.

H. CONCLUSION

13. Defendant hereby removes the above-captioned action from the 141st District Court of Tarrant County, Texas, and request that further proceedings be conducted in the United States District Court for the Northern District of Texas, Tarrant Division, as provided by law.

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANT KLLM
TRANSPORT SERVICES, LLC**

CERTIFICATE OF SERVICE

This is to certify that on the 18th day of July, 2022, a true and correct copy of the foregoing has been forwarded to all counsel of record as follows:

Via E-Service

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/s/ Van E. Parham III

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